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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,217	05/26/2000	Andrew Szabo	SZABO-216	8191

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EXAMINER

BAUTISTA, XIOMARA L

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 10/06/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/579,217

Applicant(s)

SZABO, ANDREW

Examiner

X L Bautista

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

### ***Information Disclosure Statement***

2. The information of some of the cited documents is improper. Applicant must provide all the necessary information for every cited document such as, author, title, date, publisher, edition or volume, and pertinent pages. Correction is required.

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: "an" (line 6) should be changed to --a--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2173

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5. Claims 1-7, 12-20, 26-33, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hazlehurst et al* (US 5,974,412) in view of *Leshem et al* (US 6,470,383 B1).**

*Claims 1, 14, 26, 27, 32, and 35:*

Hazlehurst discloses an Intelligent Query Engine (IQE) system that automatically develops multiple information spaces in which different types of objects (documents, users, products) can be represented (abstract; col. 1, lines 64-67; col. 2, lines 1-20). The system provides an object search engine for selecting a set of objects according to a user-defined content criteria (col. 7, lines 53-62; col. 22, lines 30-61). Hazlehurst teaches creating mappings of documents (col. 14, lines 54-61) but it does not teach returning respective resource locators of selected objects and a hierarchal organizational structure in graphic format that is automatically generated for the set of objects based on a content of or linkage between objects. However, Leshem discloses software tools for facilitating the management and analysis of WWW sites and other types of database systems that use hyperlinks to facilitate user navigation. Leshem teaches a hierarchal organizational structure in graphic format for a set of objects that graphically depicts the URLs and links of a Web site; the structure is automatically generated

Art Unit: 2173

based on content or linkage between objects (abstract; col. 2, lines 10-23; col. 7, lines 59-67; col. 8, lines 1-12; col. 23, lines 37-55).

Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Hazlehurst's query system to include Leshem's method for generating a hierarchical organizational structure in graphic format for a set of objects because as Leshem says, the method facilitates the visualization by the user of the overall structure and information and to navigate in an intuitive manner to explore the content (col. 2, lines 27-37).

Claims 2, 3, 28, and 29:

Hazlehurst teaches that the system provides a mechanism for delivering relevant documents and recommends relevant products to users (col. 2, lines 48-56; col. 10, lines 22-35; col. 23, lines 1-14).

Claims 4, 12, 30, 33, and 36:

Hazlehurst teaches that objects are identified through filter process (abstract; col. 27, lines 10-67; col. 28, lines 1-36).

Claims 5, 13, and 31:

Hazlehurst teaches that objects are related to user-defined search criteria (col. 7, lines 53-62; col. 22, lines 31-61).

Claim 6:

See claim 1. Hazlehurst/Leshem teaches objects that are contextually appropriate

for a positioning within the hierarchal organizational structure (Leshem: col. 2, lines 10-23; col. 7, lines 59-67; col. 8, lines 1-12; col. 23, lines 37-55).

Claims 7 and 19:

See claim 1. Hazlehurst/Leshem teaches a hierarchal organizational structure having a tree structure displaying at least three hierarchal levels (Leshem: figs. 5, 6, 16, 18, 19, 21, 22, 24).

Claim 15:

See claim 1. Hazlehurst/Leshem teaches ranking (classification) of objects (Hazlehurst: col. 2, lines 3-38; col. 3, lines 21-30).

Claim 16:

See claim 15. See further Hazlehurst: col. 3, lines 21-33.

Claim 17:

See claim 1. Leshem teaches graphically representing a history of access (col. 3, lines 9-30; col. 8, lines 16-19).

Claim 18:

See claim 1. Hazlehurst/Leshem teaches manipulation of objects within the hierarchal organizational structure through a graphical user interface and requesting information of a manipulated object (col. 2, lines 10-37; col. 3, lines 9-15; col. 7, lines 66-67; col. 8, lines 1-19).

Claim 20:

See claim 17. Hazlehurst/Leshem teaches a user profile (Hazlehurst: col. 8, lines 4-11; col. 9, lines 53-64; Leshem: col. 8, lines 16-19).

6. Claims 8, 9, and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hazlehurst/Leshem* in view of *Hao et al* (US 6,377,287 B1).

Claim 8:

See claim 1. Hazlehurst/Leshem does not teach that the hierarchal organizational structure comprises a hyperbolic tree structure. However, Hao discloses a technique for reducing display cluttering and complexity of navigating within large hierarchies such as organizational charts or Internet resources. Hao teaches a system that utilizes links, mapping and unmapping to enable single-screen visualization of hyperbolic space with multiple path links. The hyperbolic space is a display of a tree structure having graphical representation of content and usage of the Web (abstract; col. 1, lines 6-67; col. 2, lines 1-21, 56-67). Thus, it would have been obvious to one having ordinary skill in the art at the time of invention to include Hao's teaching of a hyperbolic tree in Hazlehurst/Leshem's invention because as Hao says, a hyperbolic space can handle more documents and allows the user to navigate through the nodes of a large hierarchy and to view the relationship of a portion of the space to the entire structure on a single display

(col. 1, lines 20-34).

Claim 9:

See claim 8. Leshem teaches that a content object may be an applet (col. 6, lines 25-33).

Claims 21 and 22:

See claims 4, 9, and 20. Leshem teaches automatic update based on user observation (col. 3, lines 45-63; col. 20, lines 40-67; col. 21, lines 1-13).

Claim 23:

See claims 15 and 21. Hazlehurst teaches rules (col. 2, lines 8-21; col. 7, lines 32-40; col. 26, lines 30-67; col. 27, lines 1-67; col. 28, lines 1-37).

Claims 24 and 25:

See claim 23. Leshem teaches digital rights to access of objects by the user (col. 28, lines 11-65; col. 30, lines 52-67).

7. Claims 10, 11, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hazlehurst/Leshem* in view of *Hanson et al* (US 5,974,398).

Claim 10:

See claim 2. Hazlehurst/Leshem does not teach that a commercial message sponsor pays for delivery of commercial messages based on a semantic context of message delivery. However, Hanson discloses a method that enables user control



of advertising carried by interactive information and entertainment services.

Hanson teaches that sponsors pay for delivery of commercial messages (abstract; col. 1, lines 38-62). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include Hanson's teaching in Hazlehurst/Leshem's invention because users are motivated to access specific sites and content which means good business for the sponsors that offer merchandise or services.

Claim 11:

See claim 10. See further col. 5, lines 3-67.

Claim 34:

See claim 10. Hanson teaches products promoted for sale (abstract; col. 1, lines 38-62; col. 5, lines 3-67).

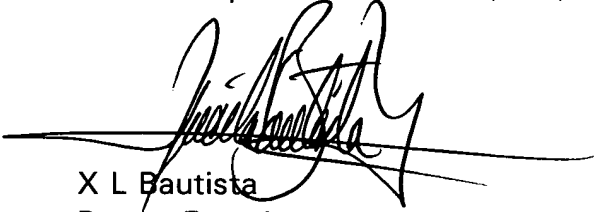
***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (703) 305-3921. The examiner can normally be reached on M-Th (8:00-18:00) Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



X L Bautista  
Patent Examiner  
Art Unit 2173

xlb  
September 26, 2003